



City of Riverside, California  
Human Resources Policy and Procedure Manual

Approved:

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Human Resources Director

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Number: III-7 Effective Date: 02/08

**SUBJECT: REASONABLE ACCOMMODATION FOR DISABLED APPLICANTS AND EMPLOYEES**

**PURPOSE:**

To make equitable, uniform, and timely decisions which will assure that reasonable accommodations are provided to disabled applicants and employees of the City as required by the Americans with Disabilities Act (the "ADA"), the disability provisions of the California Fair Employment and Housing Act ("FEHA"), and other applicable law.

**POLICY:**

**1. Basic Obligation**

The City of Riverside continues to uphold its commitment of nondiscrimination in its employment practices by ensuring that qualified individuals with disabilities have equal access to employment opportunities available to non-disabled qualified individuals.

As part of this effort, the City is obligated to make reasonable accommodation for the known disabilities of applicants and employees to enable them to perform a position's essential functions, as required by law.

**2. Request for Reasonable Accommodation**

It is the duty of an individual to request an accommodation. The City may initiate a discussion concerning the need for an accommodation when an individual with a known disability is having job performance problems or appears to pose a direct threat to the health or safety of the individual, other workers, or the public.

When a supervisor is made aware of a request for accommodation or believes, based on reasonable information, that an accommodation may be necessary, the supervisor must contact Human Resources. A request for accommodation does not have to use

the term "reasonable accommodation." Human Resources will work with the supervisor and management to process the accommodation request or situation.

The City's Employment Application shall include a statement indicating that the City shall consider any request for reasonable accommodation made by an applicant.

### **3. Necessary Information**

An individual seeking reasonable accommodation has the responsibility to understand his or her own physical or mental condition well enough to present the City at the earliest opportunity with a concise list of restrictions that must be met to achieve reasonable accommodation.

Where the accommodation request is unclear or its need is not obvious, the City may request that the individual document the need for the accommodation requested. The City may not request medical diagnosis information to determine whether the individual is disabled. The City may ask the individual about work tasks that he or she cannot perform because of the disability, the individual's performance limitations due to the disability, and any limitations that impact the health or safety of the individual, other workers, or the public.

If necessary, the City may seek the consent of the individual to communicate directly with the individual's medical provider. Such communication requires written consent of the individual.

If an individual fails to submit information that is legally requested by the City and necessary for the City to process the accommodation request, then the City will be unable to determine what, if any, reasonable accommodation is available.

If an individual requesting accommodation does not provide sufficient documentation from his or her medical provider and continues not to do so after the City requests such documentation, the City may require the individual to undergo a medical examination to determine whether the individual can perform the essential functions of the position with or without reasonable accommodation.

### **4. Determining the Reasonable Accommodation**

While processing a request for accommodation, Human Resources in collaboration with the relevant Department shall:

- a. Consult with the disabled individual to identify the individual's precise job-related limitations resulting from the disability, including the task or work environment factors that prevent the individual from performing the duties of the position;
- b. Analyze the position in question, including determining whether the job description is accurate or complete, and determine the position's essential functions;

- c. Consult with the individual to identify potential accommodations and assess their feasibility and their effectiveness in enabling the individual to perform the essential functions of the position;
- d. Consider the individual's preference and select the accommodation most appropriate for both the City and the employee. The City retains the discretion to choose among various effective accommodations. Typical accommodations include improving access to workplace facilities, physically altering workplace facilities, modifying or providing certain equipment or devices, reallocating non-essential job duties, altering work schedules, reassignment to a vacant position, or modifying tests or training materials. Whether any of these accommodations is reasonable depends on the specific disability limitations and position in question.

The City is not obligated or required to create a new job, displace another employee, or violate established seniority or related systems in order to reasonably accommodate a disabled individual.

#### **5. When Accommodation Is Not Required**

A review of a situation may determine that reasonable accommodation cannot be made because one or more of the following:

- a. The individual's condition is not a disability under the ADA or FEHA;
- b. The individual's condition does not result in limitations that prevent the individual from performing the essential duties of his or her position;
- c. No accommodation is available that is reasonable;
- d. The accommodation would create an undue hardship on the City;
- e. Allowing the disabled individual to work would create a direct threat to the health or safety of the individual, other workers, or the public, and such threat cannot be eliminated or reduced by reasonable accommodation;
- f. The individual failed to submit information legally requested by the City and necessary for the City to process the accommodation request.

#### **6. Complaint**

Any acts of unlawful discrimination should be promptly reported to upper management or to the Human Resources Director. All complaints will be investigated pursuant to the City's discrimination and harassment free workplace policy.

**PROCEDURE:**

<b>Responsibility</b>	<b>Action</b>
Disabled Applicant or Employee	1. Requests reasonable accommodation either by completing the Request for Reasonable Accommodation form or in some other manner.
Human Resources Department	2. Makes contact with known disabled individual. Determines whether the individual has provided the necessary information, and takes any necessary and permissible action to obtain such information, as described in part 3 of this policy.
Human Resources Department	3. With respect to applicant, continues to monitor the selection process, after an eligibility list has been certified to the hiring authority, to ensure that candidates with disabilities are not eliminated because of the disability.
Department	4. With respect to applicant, makes tentative appointment without consideration of any candidate's physical or mental disability. If the disabled applicant has been tentatively appointed, the request for reasonable accommodation shall be processed.
Human Resources Department	5. Communicates with the relevant Department and individual to determine whether a reasonable accommodation exists, as described in part 4 of this policy, and whether any other factor precludes reasonable accommodation, as described in part 5 of this policy.
Human Resources Department	6. Informs the individual of the reasonable accommodation to be implemented or the reason why no reasonable accommodation will be implemented, as described in part 5

of this policy.

Human Resources Department

7. If no reasonable accommodation will be implemented, determines in collaboration with the relevant Department whether the individual is able to perform the essential functions of the position and whether the individual is able to do this without posing a direct threat to the health or safety of the individual, other workers, or the public.

If the answer is "no," then Human Resources in collaboration with the relevant Department commences the process to discontinue the employment status or applicant status of the individual.

**City of Riverside  
Human Resources Department  
REASONABLE ACCOMMODATION REQUEST FORM**

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Date \_\_\_\_\_ ☐ Employee ☐ Applicant

Daytime Phone Number \_\_\_\_\_

Please describe the reasonable accommodation you believe you require:

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Does this reasonable accommodation pertain to a particular service, activity, or facility? If yes, please describe it :

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Are you requesting reasonable accommodation only for a particular date or dates? If yes, please provide the dates:

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Please Note:

A City of Riverside representative may contact you to request additional information necessary to assess and or verify your request for reasonable accommodation.

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FOR HUMAN RESOURCES DEPARTMENT USE ONLY

Accommodation is: ☐ Approved ☐ Denied ☐ Not Necessary

Comments: \_\_\_\_\_

Date: \_\_\_\_\_